

**PROCEEDINGS OF THE
WASHINGTON STATE BOUNDARY REVIEW BOARD
FOR KING COUNTY
RESOLUTION AND HEARING DECISION**

**IN RE: CITY OF RENTON
 Merritt II
 Proposed Annexation
 King County, Washington**

FILE NO. 2178

A Notice of Intention was submitted in July 2004 by the City of Renton to the Washington State Boundary Review Board. The Notice of Intention (Boundary Review Board File No. 2178) proposed that the City of Renton annex a certain 20.59-acre portion of territory within the 133-acre May Valley Potential Annexation Area.

The Notice of Intention for the initially proposed Merritt II Annexation Area (20.59 acres) is based upon an annexation petition by property owners. The initially proposed annexation was undertaken by the Renton City Council based upon a petition (50/50 method) submitted in February 2004 from property owners and residents seeking annexation to the City. The City Council adopted the Merritt II Annexation Petition in May 2004.

Petitioners are seeking annexation in order to be governed by and to receive services from the City of Renton. The Merritt II Annexation (20.59 acres) proposes annexation of a generally “T”-shaped peninsula. The Merritt II Annexation site is located on the northeastern side of the City of Renton.

The proposed boundaries of the initially proposed Merritt II Annexation Area are described as:

- The northern boundary of the annexation area is variously formed by May Valley Creek and NE 27th Street (if extended).
- The southern boundary of the annexation area is formed by SE 100th Street.
- The western boundary of the annexation area is variously formed by 142nd Avenue NE and Graham Avenue (if extended).
- The eastern boundary of the annexation area is formed by Lyons Avenue NE and by Ilwaco Avenue NE (if extended).

On August 27, 2004, the Office of the King County Executive invoked jurisdiction (submitted a request for a public hearing) before the Boundary Review Board concerning the proposed Merritt II Annexation. The County proposed the modification of the proposed Merritt II to include the entire 133-acre May Valley Potential Annexation Area. The invoking of jurisdiction was based upon concerns related to:

- The County's continued ability to provide efficient local services in an urban unincorporated area with irregular municipal boundaries and relative isolation between the cities of Renton and Newcastle;
- Environmental and surface water management issues associated with the May Valley corridor;
- The application of appropriate zoning to protect the regionally designated May Valley urban separator;
- Consistency with adopted plans and policies including the King County Comprehensive Land Use Plan, and the Countywide Planning Policies; and,
- Consistency with Boundary Review Board Objectives.

The Boundary Review Board confirmed that the County's request for a public hearing was authorized pursuant to RCW 36.93. Legal notice having been duly given, a public hearing was conducted on November 3, 2004 before a quorum of the Boundary Review Board in order to consider the original proposal by the City of Renton to incorporate the Merritt II Annexation Area. At that public hearing, the Board also considered whether King County's request to expand the proposed Merritt II Annexation to include the May Valley Potential Annexation Area would merit specific review based on the state law (RCW 36.93) that sets criteria for annexation.

At the conclusion of that hearing, the Boundary Review Board made a decision (by a unanimous vote) to continue the public hearing to consider King County's request for modification of the Merritt II Annexation. The Board determined that this review would be appropriate to meet the requirements of state law (RCW 36.93, RCW 36.70A, et al). More specifically, the Board agreed to consider modification of the initially proposed Merritt II Annexation to include the entire May Valley Potential Annexation Area at 133 acres. The proposed modified boundaries of the Expanded Merritt II Annexation (henceforth described as the May Valley Potential Annexation Area) are generally described as follows:

- The northern boundary of the annexation area is formed by May Valley Road
- The southern boundary of the annexation area is formed by NE 23rd Street (contiguous with the City of Renton).
- The western boundary of the annexation area is formed by Coal Creek Parkway/136th Avenue NE (contiguous with the City of Renton).
- The eastern boundary of the annexation area is formed by Lyons avenue NE and by Ilwaco Avenue NE (if extended).

Legal notice having been duly given, a continued hearing was held on August 23, 2004 before a quorum of the Boundary Review Board.

On the basis of the testimony, evidence and exhibits presented at said hearing, and the matters on record in said **File No. 2178**, it is the decision of the Board that the action proposed in said **Notice of Intention** be, and the same is, hereby **approved with modifications** to include the entire May Valley Annexation Area (approximately 133 acres). The legal description of the May Valley Annexation Area, as approved with modifications, is attached hereto and marked as "Exhibit I", together with a map showing the boundaries of the area herein marked as "Exhibit II."

In reaching a decision in favor of annexation of the entire May Valley Potential Annexation Area, the Board considered RCW 36.93. (Local Governments – Boundaries – Review Boards), with particular attention to RCW 36.93.170 (Factors) and RCW 36.93.180 (Objectives) in accord with the mandate of the State of Washington. The Board also considered RCW 36.93.150, which establishes the authority for modification of annexation proposals. As further required by the State of Washington, the Board has considered RCW 36.70.A, the Growth Management Act, the King County Comprehensive Plan, and the City of Renton Comprehensive Plan. The Board has also considered other applicable state, regional, and local regulations and guidelines.

The Board is responsible, under state law, to: (1) examine the record (e.g., documents, exhibits, testimony); (2) determine the specific policies and guidelines are applicable to the proposed action; (3) review and balance these elements; and (4) take the action that best advances those elements.

The record for The City of Renton Merritt II/May Valley Annexation (File No. 2178) includes, but may not be limited to:

- City of Renton: Application materials; technical studies; fiscal studies; regulatory analyses; exhibits; narrative statements in support of the proposed annexation; statements in response to opponents' submittals; supplementary documents; testimony by representatives of the City of Renton;
- King County: Statement invoking jurisdiction; technical studies; fiscal studies; regulatory analyses; exhibits; statements in response to applicant's submittals; supplementary documents; testimony by representatives of King County;
- Public Agencies/Private Organizations/ Individual Citizens: Correspondence; exhibits; technical study data; testimony

The Boundary Review Board has considered File No. 2178 based upon the following descriptions for the proposed Merritt II Annexation and the modified May Valley Potential Annexation Area:

- Merritt II Annexation Area: The May Valley Potential Annexation Area, in its entirety, includes 133 acres. The initially proposed Merritt II Annexation Area includes 20.59 acres. The City of Renton proposed the Merritt II Annexation in response to petitions from citizens wishing to join the City.

Under the Merritt II Annexation, approximately 115 acres of unincorporated properties would remain in the May Valley Potential Annexation Area but would continue, for the present, under the jurisdiction

of King County. The remaining unincorporated area would abut the Merritt II Annexation Area on the northern, western, and eastern boundaries.

The population of Merritt II Annexation Area is approximately 13 people. This area is designated and zoned for low density residential use by King County. The Area includes Greenbelt/Urban Separator based upon its proximity to May Creek. The City of Renton has established similar, equivalent land use designation and zoning for the annexation area.

The Merritt II Annexation Area has approximately five single-family homes (some of which may be considered for redevelopment) and vacant property suitable for residential development. Under the City of Renton Comprehensive Plan, a maximum of 17 homes would be permitted in this area including existing homes, redeveloped properties, and newly developed properties. At full development there would be an estimated 43 persons.

Each existing and potential future residence will require a full complement of public services and facilities to ensure the preservation of quality of life and protection of public health and safety.

Annexation would enable Renton to control development and services to protect the portion of the environment within the May Creek Basin – including sloped lands, water bodies, flora and fauna -- within the 20.59 acres included in the Merritt II annexation.

At annexation, the City of Renton will be able to establish service programs for the Merritt II Area. Similarly, the City will be able to set and implement a fee/tax structure for the Merritt II Area.

May Valley Potential Annexation Area: The May Valley Potential Annexation Area, in its entirety, includes 133 acres. The May Valley Annexation Area was established in the City of Renton Comprehensive Plan in 1993 (updated in 1997). Incorporation of the entire May Valley Area has been proposed by King County.

The May Valley Potential Annexation Area contains approximately 65 single-family homes. The current residential population of the total May Valley Annexation Area is approximately 168 persons. Under the City of Renton Comprehensive Plan, a maximum of 100 homes would be permitted in this area, including the existing homes and up to 35 newly developed properties. The area would be home to an estimated population of 259 persons.

An action to consolidate the entire May Valley Potential Annexation Area under a single jurisdiction at this time would enable uniform local governance and coordinated services. Renton has pending new legislation that will provide for the May Valley Annexation Area both appropriate levels of development (one residential unit per net acre) and environmental protection for the Greenbelt/Urban Separator areas. Renton is capable of immediately providing accessible local government and a full array of services to the entire Potential Annexation Area.

The County and City Plans intend the annexation of the entire May Valley Potential Annexation Area. However, no timeline is provided for such annexation.

RCW 36.93 FACTORS AFFECTING THIS PROPOSAL

The Boundary Review Board finds the following Factors (RCW 36.93.170) to be applicable to the City of Renton's initially proposed Merritt II Annexation (20.59 acres) and to the modified May Valley Annexation (133 acres) proposed by King County.

POPULATION AND TERRITORY:

RCW 36.93.170 (1) directs the Board to evaluate issues related to Population and Territory. For File No. 2178, including the Merritt II proposal and the May Valley Potential Annexation Area proposal, the Board considered the following issues: land area and land uses; comprehensive plans; topography, natural boundaries and drainage basins; and the likelihood of significant growth in the area during the next ten years. A brief review of key issues related to each applicable element is presented below:

POPULATION DENSITY/PROXIMITY TO OTHER POPULATED AREAS/LAND AREA/LAND USES:

The record for File No. 2178 reports that the entire May Valley Potential Annexation Area, (including the Merritt II Annexation Area) is established for annexation in the Renton Comprehensive Plan "Annexation Element." Renton is immediately adjacent to the southern boundary of the Merritt II/May Valley Annexation Area.

The City of Renton Comprehensive Plan has established land uses and development standards for the Merritt II/May Valley Area that are equivalent to current designations under the King County Plan. More specifically the County Comprehensive Plan designates Merritt II/May Valley as an Urban Area. The County Plan permits Residential Uses at a density of one single-family unit per gross acre. The City of Renton has generally designated this area for Low Density Residential Uses (one unit per net acre.)

Both the Merritt II Area (and portions of the May Valley Potential Annexation Area) are developed with single-family residential uses. Much of the developed area includes low-density development (one unit per gross acre). Development in some areas (e.g., near to SE 100th Street) is more dense (e.g., four units per acre). Neighboring areas are currently substantially developed with residential uses.

Future residential development permitted by the City of Renton would reportedly be generally similar to and essentially compatible with existing housing density and open space requirements.

City of Renton: Renton representatives report that the proposed Merritt II Annexation and the May Valley Annexation would each address and protect land area, land uses, and land densities consistent with RCW 36.93.170 (Boundary Review Board Act). Annexation of the Merritt II Area or the May Valley Area would reportedly be consistent with the State Growth Management Act. For example, RCW 36.70A.110 calls for cities to designate, annex, develop, and serve lands in urban areas. The City stated that incorporation of the entire May Valley Potential Annexation Area is also consistent with the City of Renton Comprehensive Plan and other state and regional regulations.

City of Renton officials are supporting annexation of either the Merritt II Area or the May Valley Area at this time because either action is consistent with the well-being and the interests of the local community.

King County: Michael Thomas, representing the Office of the King County Executive, reported that the May Valley Potential Annexation Area is a unified community with respect to its specific physical elements (e.g., geographic features) and social elements. Further, the City of Renton has prepared plans for governance and service to the community sub-area described as the May Valley Potential Annexation Area. Consolidated incorporation of the entire May Valley Potential Annexation Area would comprehensively address and protect land area, land uses, and land densities consistent with RCW 36.93 (Boundary Review Board Act). Consolidated incorporation of the entire May Valley Potential Annexation Area would also be fully consistent with the State Growth Management Act (RCW 36.70A), King County's Comprehensive Plan, and other applicable regulations.

Mr. Thomas stated that the Merritt II Annexation would fail to comprehensively address and protect land area, land uses, and land densities as prescribed by RCW 36.93.170, the State Growth Management Act (RCW 36.70A), King County's Comprehensive Plan, Renton's Comprehensive Plan, and other applicable regulations.

Mr. Thomas stated that annexation of the entire May Valley Area offers the most efficient plan for supporting a harmonious built community, preserving the environment, and protecting public health and welfare. A single comprehensive annexation would ensure that new development and environmental protection standards are consistent within the May Valley Area; coordination would be enhanced with other nearby built and natural environments.

COMPREHENSIVE LAND USE PLANS

The record for File No. 2178 reports that the provisions of the King County Comprehensive Plan and the City of Renton Comprehensive Plan guide annexations in the City of Renton.

KING COUNTY: RCW 36.93.157 requires the Boundary Review Board to consider actions in relationship to the King County Comprehensive Plan/Countywide Policies. The County Plan, adopted in response to the Growth Management Act (GMA), includes goals and policies that address land uses and public services.

For example, King County Comprehensive Plan/Countywide Policies call for contiguous orderly growth of local jurisdictions (e.g., U-304, U-208, U-301, U-304.). Policies also establish cities as the appropriate providers of local governance and urban services (e.g., FW-13, CO-1, CO-3; LU-31, LU-32, LU-33, LU-34, LU-36). More specifically, King County Policy LU-31 requires cities to designate potential annexation areas to include adjacent urban lands and to eliminate unincorporated islands between cities. Policy LU-32 calls upon cities to incorporate lands within annexation areas into city boundaries. Similarly, the Plan supports cities as basic governing units and service providers (e.g., FW-13, LU-31,).

CITY OF RENTON: The City of Renton Comprehensive Plan, also adopted as prescribed by the Growth Management Act, similarly includes goals and policies that provide the basis for annexation, land use decisions and for public services to development in this community. The Merritt II Area and the May Valley Potential Annexation Area, in its entirety, are established for annexation in the Renton Comprehensive Plan "Annexation Element."

City of Renton: Renton representatives reported that the City supports the provisions of state law and regional authorities that mandate logical orderly growth of urban areas. To that end, the Merritt II Area and the entire May Valley Area are included in the City's adopted Comprehensive Plan. This Comprehensive Plan was developed, as required by state law, with substantial community participation through a variety of venues. The resulting Comprehensive Plan and the Potential Annexation Area Plan have been approved, as required, by the State of Washington Department of Community Trade and Economic Development.

More specifically, City representatives reported that annexation of Merritt II Area or the entire May Valley Potential Annexation Area would be consistent with City of Renton Comprehensive Plan policies addressing land incorporations. For example, the unincorporated area is included in the "Annexation Element" of the City of Renton Comprehensive Plan and is located within the Renton Potential Annexation Area. The proposed action is consistent with City of Renton Comprehensive Plan policies addressing annexation, including those provisions which call for inclusion of urban areas within the City (e.g., LU-378 – LU-380) and provision of services to incorporated areas (e.g., LU-383; LU-386, LU-392).

Similarly, Renton representatives report that annexation of the entire May Valley Area would also be consistent with the King County Comprehensive Plan. More specifically:

Relevant Countywide Planning Policies	City of Renton Response
Policy CA-7. Adjacent jurisdictions shall identify and protect habitat networks that are aligned at jurisdictional boundaries. Networks shall link large protected or significant blocks of habitat within and between jurisdictions to achieve a continuous Countywide network.	King County and Renton have worked together protect the entire May Valley Annexation area as an urban separator and continuous low density open space habitat for wildlife.
Policy CA-10. Jurisdictions shall maintain or enhance water quality through control of runoff and best management practices to maintain natural aquatic communities and beneficial uses.	Renton has adopted the May Creek Basin Action Plan, which recommends solving problems at their source when feasible, and suggests some land use prescriptions and development restrictions toward this end. The Plan also often imposes, at the project level, in areas with sensitive lands.

Relevant Countywide Planning Policies	City of Renton Response
<p>Policy LU-27. Urban separators are low-density areas or areas of little development within the Urban Growth Area. Urban separators shall be defined as permanent low-density lands, which protect adjacent resource lands, Rural Areas, and environmentally sensitive areas and create open space corridors within and between Urban Areas, which provide environmental, visual, recreational and wildlife benefits.</p>	<p>The May Valley Potential Annexation Area is primarily designated by the County as Urban Separator/Greenbelt by King County and the City of Renton. The Area is intended as an open space corridor as well as habitat for wildlife.</p>
<p>Policy LU-31. In collaboration with adjacent counties and cities and King County, and in consultation with residential groups in affected areas, each city shall designate a potential annexation area. Each potential annexation area shall be specific to each city.</p>	<p>In the Renton Comprehensive Plan of 1997, the May Valley Area was established as a Potential Annexation Area and included on Renton's Comprehensive Plan Land Use Map. The Area was designated as Residential Low Density as well as pre-zoned it to R-1, one unit maximum per net acre.</p>
<p>Policy LU-32. A city may annex territory only within its designated potential annexation area. All cities shall phase annexations to coincide with the ability for the city to coordinate the provision of a full range of urban services to areas annexed.</p>	<p>The May Valley Annexation Area is located within Renton's PAA. Renton is ready to provide a full range of urban services to this area including police, fire, water and sewer utilities, and surface water management. Coal Creek Utility District serves the northern portion of the area and the eastern third is served by the Water District No. 90.</p> <p>Regarding environmental and surface water management issues associated with the May Valley corridor, the City of Renton adopted the 1998 May Creek Basin Action Plan, which requires "full mitigation" for any future increase in density for areas draining to May Valley. In so doing, the plan attempts to make use of existing County and City policies and storm water management controls.</p>
<p>Policy CC-6. A regional open space system shall be established to include lands which: ... (c.) Contain natural areas, habitat lands, natural drainage features, and/or other environmental, cultural, and scenic resources</p>	<p>The May Valley Annexation Area includes habitat area and drainage features (e.g., related to May Creek) which flows across the northern third of the Area.</p>

In proposing the initial Merritt II Annexation, the City of Renton was responding to the specific interest of the citizens in that 20.59 acre area. Specifically, the citizens submitted a petition to annex this 20.59-acre area; property owners and residents representing at least 50% of the land area within the annexation area boundaries have signed this petition.

However, the City of Renton is prepared to annex, govern and serve the entire May Valley Area at this time in the event that the Boundary Review Board determines that incorporation of this 133-acre territory is consistent with the Renton Comprehensive Plan and the King County Comprehensive Plan.) The City believes that there is sufficient community support to annex this larger area and that the citizens would benefit from governance by a single, local jurisdiction.

King County: Michael Thomas reported that King County has considered the City of Renton's Merritt II Annexation proposal with the intention of ensuring a balance among the plans and regulations of the State, the County, and the affected local jurisdictions. The County also seeks to ensure the provision of sound, cost-effective governance for community members.

Mr. Thomas stated that annexation of the entire May Valley Annexation Area (as contrasted with the limited Merritt II Annexation Area) will achieve the balance that the County seeks from incorporations. More specifically, Mr. Thomas stated that incorporation of the entire May Valley Area would achieve the greater consistency with both the King County Comprehensive Plan and Renton Comprehensive Plan. For example, King County Comprehensive Plan/Countywide Policies encourage annexation of urban lands and supports cities as basic governing units/service providers. Under the County Plan, annexations should occur at the earliest feasible date (i.e. - when cities have conceptual land use plans, service plans, and available service resources). Of special interest to the County is the desirability of annexing small isolated urban areas, such as the May Valley Area. King County does not have the resources to manage land uses in unincorporated islands.

Mr. Thomas stated that, consistent with the King County Comprehensive Plan and the City of Renton Comprehensive Plan, incorporation of the entire May Valley Area would create more practical boundaries. For example, County officials believe that incorporation of the entire May Valley Annexation Area to the City of Renton – as contrasted to smaller, incremental actions -- will provide citizens with more effective, efficient governance. A single, unified annexation would permit coordinated development plans and environmental protection standards. A consolidated May Valley Area annexation would provide for unified service areas and service systems.

TOPOGRAPHY, NATURAL BOUNDARIES AND DRAINAGE BASINS:

The record for File No. 2178 reports that the May Valley Annexation Area (including the more limited Merritt II properties) is characterized by topographic diversity, including level areas and sloped areas. The May Valley Annexation Area is located within the natural geographic area formed by the May Creek Drainage Basin.

Annexation is a legal action which addresses jurisdiction. Annexation would have no direct effect on topographic boundaries. Thus, annexation would not alter existing topographic features.

City of Renton: The City has prepared -- and is in the final phases of adoption of -- regulatory controls to protect environmentally sensitive areas. These controls acknowledge and address such areas as May Creek, sloped terrain, and wildlife habitats. Under the Merritt II Annexation, a 20.59-acre area will come under the authority of the City. Under the King County proposal, the entire May Valley Area (at 133 acres) will be incorporated into Renton and will come under the authority of the City.

More specifically, the City of Renton will direct growth in that area in a manner that is consistent with land use standards and environmental standards designed to protect the sensitive areas in this region including sloped lands, water bodies, flora and fauna. The City will also provide public facilities and services designed to protect the environment within the May Creek Basin. Numerous provisions will be established to ensure contiguous open space corridors within the Urban Separator. For example, the City of Renton has:

- Revised Renton's Comprehensive Plan, as part of the 2004 GMA update, to strengthen urban separator policies, including specific policies guiding development in urban separators.
- Designated the May Valley "Residential Low Density" which is comparable to King County's "Greenbelt Urban Separator" classification.
- Pre-zoned approximately 133 acres the Potential Annexation Area south of May Valley Road, to the R-1 zone in 1998. The maximum density allowed in this zone is one single-family detached dwelling per net acre. This is slightly less than the County's R-1 zoning on the Merritt II annexation site which allows one dwelling per gross acre.
- Adopted the *May Creek Basin Action Plan* in February 1998 to address environmental and surface water management issues in the May Valley corridor and require use of the 1998 King County Surface Water Manual for review of development.

- Adopted development standards that exclude designated critical areas from density credits and encourage clustering of actual developed area away from steep slopes, wetlands, and floodplains. The Renton system does not allow transfer of density from these areas to other portions of the site. While this system does not mandate clustering, it does encourage both cluster development and creation of Native Growth Protection easement (open space) tracts on the preserved critical areas.

A public hearing before the Renton City Council is scheduled in the immediate future to review the proposed legislation. Adoption by City Council is expected in early 2005.

The City would coordinate adoption of these development/environment standards with the finalization of the May Valley Annexation. The City of Renton intends to continue into the future to work with property owners in the area to ensure the integrity of the May Valley Urban Separator.

King County: County officials report that area topography and other natural features would be better protected by incorporation of the entire May Valley Annexation Area to the City of Renton. Under the limited Merritt II Annexation, the City of Renton will direct growth and services and will enforce environmental standards in a 20.59 acre area. The County will continue to govern a portion of the May Valley Potential Annexation Area. Variable standards may result in disparate development and, thus, impact the natural environment.

With annexation of the entire May Valley Area, Renton will direct growth throughout this territory, as prescribed by the County and City Comprehensive Plan. Similarly the City will govern the built environment and natural environment in the area under (pending) City standards that are based upon, and congruent with, King County regulations. With annexation, development plans and environmental protection standards will be immediately consistent throughout the entire May Valley Area. City standards are designed to protect the integrity of the environment within May Creek Basin – including sloped lands, water bodies, flora and fauna. The City will also provide public facilities and services in order to protect the environment.

LIKELIHOOD OF SIGNIFICANT GROWTH IN THE AREA DURING THE NEXT TEN YEARS:

The record for File No. 21678 anticipates that May Valley will likely experience growth over the next ten years. May Valley currently hosts residential development – ranging from urban densities to low densities suitable for greenbelt/urban separator areas. However, there is considerable land in May Valley which is suitable for redevelopment or new development with residential uses. Future development of residences would be permitted – with design and density requirements -- in the May Valley Annexation Area.

City of Renton: Renton staff stated that annexation of Merritt II or the May Valley Area will not directly affect existing land use designations, zoning classifications, or address land development. The City does, however, anticipate future growth in May Valley Area. Following annexation, all land uses would be required to meet City of Renton Comprehensive Plan policies and municipal development standards. Future development would be guided by pending municipal regulations for land uses and environmental protection standards applicable to the entire May Valley Area.

The proposed Merritt II Annexation would allow incremental/partial coordination of land uses and services consistent with development and services provided by the City of Renton. This incremental annexation is would allow the City to guide development for those properties within the Merritt II Area.

The alternative plan – annexation of the entire May Valley Area -- would provide the greater opportunity for overall coordination and control of new development and environmental protection standards.

King County: Michael Thomas reported that the County anticipates that some new development and redevelopment will occur in May Valley Area in the foreseeable future, as May Valley is defined as an urban area under state, regional, and local guidelines. These guidelines encourage growth in urban areas. Environmental protection standards will also apply to land use planning and regulation in the May Valley Area.

Mr. Thomas stated that the immediate incorporation of the entire May Valley Annexation Area is appropriate so that land uses, services and amenities are subject to and coordinated under City plans. Local plans are designed to ensure coordinated, orderly growth. Local development standards are a

suitable tool to protect the quality of life and enhance a sense of community. Annexation would bring local governance; uniform development; and essential, reliable local sewer services, water services and other services. The City could more efficiently govern and serve the entire area under consolidated municipal standards.

MUNICIPAL SERVICES

RCW 36.93.170(2) directs the Board to evaluate factors related to Municipal Services. Additional authorities applicable to the Merritt II/May Valley Area Annexation include, but are not limited to: RCW 36.70A, RCW 35.13, King County Comprehensive Plan/Countywide Policies, the Renton Comprehensive Plan and its enabling regulations (e.g., zoning code). These State and local authorities are intended to ensure reasonable development regulations and adequate public services to local communities.

For File No. 2178, the Board considered the following factors to be applicable: need for municipal services; effects of ordinances, governmental codes, regulations and resolutions on existing uses; present cost and adequacy of governmental services and controls in area; probable future need for such services; costs; effect on the finance, debt structure and contractual obligations; and rights of all affected governmental units. Following is a brief review of key issues related to each applicable element.

- CURRENT NEED FOR MUNICIPAL SERVICES; PROBABLE FUTURE NEEDS FOR SERVICES AND CONTROLS:
- EFFECT OF ORDINANCES, GOVERNMENTAL CODES, REGULATIONS AND RESOLUTIONS ON EXISTING SERVICES:
- PRESENT COST AND ADEQUACY OF GOVERNMENTAL SERVICES AND CONTROLS; PROBABLE FUTURE NEEDS FOR SUCH SERVICES AND CONTROLS:
- PROBABLE EFFECT OF PROPOSAL OR ALTERNATIVES ON COST AND ADEQUACY OF SERVICES AND CONTROLS:
- EFFECTS ON FINANCE, DEBT STRUCTURE AND CONTRACTUAL OBLIGATIONS OF ALL AFFECTED GOVERNMENTAL UNITS:
- PROSPECT OF GOVERNMENT SERVICE FROM OTHER SOURCES:
- OTHER MUNICIPAL SERVICES:

File No. 2178 records report that the Merritt II Area and the May Valley Area each require municipal services for current development. Future development will also require municipal services.

The State Growth Management Act calls for the establishment of plans for providing services to local communities. The King County Comprehensive Plan has implemented state guidelines through various goals and policies. For example, King County Comprehensive Plan Goal FW-12 calls for provision of adequate services and facilities for development. FW-13 states that cities are the appropriate provider of local urban services to Urban Areas. FW-29 and FW-30 address the need for jurisdictions to plan for and coordinate services.

Numerous King County/Countywide Policies are also relevant to the establishment of service plans and programs that address requirements for urban services. For example, U-304 states that annexation should be supported for lands where the annexing city is able to plan for and serve these areas. Additionally, annexation is appropriate under Countywide Policy CO-1, when a jurisdiction has “identified and planned for (a) full range of urban services”. CO-9 calls for sewers and water to be provided to meet local needs, but cannot serve to justify development counter to Countywide Policies. CO-10 states that urban water and sewer systems are preferred (or required) for new development. Septic systems may continue to serve existing developments so long as density and physical conditions are appropriate.”

Similarly Renton has developed policies -- through the City’s Comprehensive Land Use Plan, Comprehensive Service Plans, and other regulatory authorities – for serving all properties within corporate boundaries.

City of Renton: The City of Renton has established municipal services plans for the Merritt II Annexation Area and for the entire May Valley Annexation Area. Upon annexation, the City of Renton would include

the Merritt II Area (or the May Valley Area) properties in the municipality's Service Area. Then, as is customary, specific service plans and programs would be developed for the particular service areas.

The City will provide a full array of public services to its citizens. More specifically:

- Water Utility: Renton is the designated water service provider for the majority of the area. This includes the area west of SE 144th Avenue (Ilwaco Avenue NE) and south of SE 96th Street, if extended. The area north of SE 96th Street, if extended, is served by the Coal Creek Water and Sewer District and the area east of 144th Avenue SE, if extended is served by Water District No. 90. No additional staff is anticipated as a result of this annexation.
- Surface Water: The proposed annexation is located in the Green Creek sub-basin of the May Creek Basin. The site drains to the May Valley portion of May Creek, where there is existing flooding, water quality and fish habitat problems. May Creek flows across the northern portion of the proposed enlarged annexation. Because the City adopted the May Creek Basin Action Plan which requires full mitigation for future increases in surface water runoff from new development draining into May Valley, future development will likely have to comply with the 1998 King County Surface Water Design Manual flow control standards. No additional staff is anticipated as a result of this enlarged annexation.
- Wastewater: The City is the designated sewer service provider for that portion of the enlarged annexation area located south of SE 96th Street, if extended. The area north of SE 96th Street, if extended, is served by the Coal Creek Water and Sewer District.
- Sewer services are not available to all properties the Merritt II/May Valley Annexation Area at the present time. Upon annexation, sewers will be available to residents who wish to obtain this service. Septic systems – which are monitored by the King County Health Department – must be replaced with sewers only if the system is hazardous to health or property. New development must provide sewer systems.
- Parks: Staff notes that there currently is a shortfall of parks, trails and recreation facilities in the area. May Creek Park is located in the western portion of the enlarged annexation area near Coal Creek Parkway. Staff has calculated an estimated one-time cost of \$79,828 as the fair share cost that could be attributed to this annexation, above and beyond revenues that might accrue to the City from parks mitigation fees for new development.
- Fire: The City currently serves the western three-quarters of the annexation area under contract with Fire District No. 25. If the Renton City Council and the Boundary Review Board support this expanded annexation area upon its annexation the City will serve the whole area.
- Police: The Police Department generally supports annexations such as this but notes that this, like all annexations, will likely increase the number of calls for service. The accumulative impact of these annexations could eventually require additional staff.
- Public Works Maintenance: The division has not yet had a chance to estimate the annual cost of maintaining existing and new streets within the proposed enlarged annexation area.
- Transportation: Because the costs of upgrading existing access streets serving new development within the proposed annexation would most likely be borne by those developing properties there should be minimal cost to the City, at least initially. The only expenses the City would incur from a transportation standpoint would be those associated with new signage and pavement markings, street lighting and maintenance costs.

Schools, libraries and recreation facilities would continue to be available to newly incorporated residents of the City of Renton.

Renton representatives stated that fiscal studies report that the City would be able to sustain levels of service at reasonable rates. Residents would also cease to pay County taxes for services.

Renton has notified other municipalities and government agencies of the pending Merritt II/May Valley Annexation proposals, including the various affected water districts, fire districts, emergency providers the King County Health Department, and other local and regional agencies. These agencies have not raised any objection to Renton's annexation application and/or service plans.

King County: Mr. Thomas stated that King County supports annexation of the entire May Valley Area as this action provides for a more logical municipal service area and promotes more efficient, economic control of services than would occur with the more limited Merritt II Annexation

More specifically, the Merritt II Annexation (at 20.59 acres) will result in inconsistent service provision as various County providers and local providers will be required to serve areas that are not clearly delineated. Service availability may be fragmented as well. Services will be less effective, less efficient, and more costly.

Annexation of the entire May Valley Area would provide for the most efficient, effective service area. A consolidated action would facilitate cohesive policies, standards, programs, and operations throughout the May Valley Area and link this Area to the existing City. As an example, King County cannot provide sewers to properties in May Valley. Further, King County cannot provide other services that are both equivalent in quality and available at a reasonable cost. The City can operate services/infrastructure more efficiently if essential improvements are coordinated for the community as a single unit. Immediate annexation of the entire May Valley Annexation Area would be timely to address existing and potential future septic system failures.

Annexation would benefit the County, because the County would cease to be responsible for providing local urban services to this community. Limited County resources could be redirected to regional and rural services. While the County will lose taxes, the County will not experience a net financial loss, as the County will no longer need to provide services to the area following annexation.

The City's commitment to provide full services is consistent with regulatory guidelines (e.g., RCW 36.70A) and citizens' preferences for the convenience of a single provider for all services. On this basis, King County supports annexation of the entire May Valley Area. No other jurisdiction or provider is prepared to serve the NE Rose Hill Area.

EFFECTS OF PROPOSAL

RCW 36.93.170(3) directs the Board to evaluate issues related to effects of the proposal. For File No. 2178, the Board considered the following factors to be applicable: the effects of the Merritt II/May Valley Annexation on adjacent areas, mutual economic and social interests, and local government structure. Below is a brief review of key issues related to each applicable factor.

MUTUAL ECONOMIC AND SOCIAL INTERESTS/LOCAL GOVERNMENT STRUCTURE:

The record for File No. 2178 considers effects to economic and social interests and to local government structure. The Merritt II Annexation Area and the greater May Valley Annexation Area are located within the Urban Growth Area of King County. The entire May Valley Area (including the Merritt II properties) includes residential uses (ranging from low density to low-moderate density). There is substantial area suitable for new development or redevelopment. The greater May Valley Area (including the Merritt II Area) is characterized by environmentally sensitive areas – e.g., May Creek, open spaces, sloped terrain, substantial vegetation, and significant wildlife habitat.

May Valley (including Merritt II) is linked by several features to the City of Renton. For example, May Valley is bordered on three sides (south, east, and west) by Renton. Nearby properties within the City are developed with homes similar in type and density to the residential development in the Merritt II/May Valley Area. Access to Merritt II/May Valley is available from several arterial roadways (e.g. 136th Avenue NE, Coal Creek Parkway, May Valley Highway) that also serve the neighboring City of Renton.

The City of Renton provides many services to the citizens of Merritt II/May Valley. For example, Renton provides commercial centers and professional services that are available to the citizens of Merritt II/May Valley. The City of Renton also includes employment center and recreational/entertainment facilities that are available to the citizens of Merritt II/May Valley.

City of Renton: Renton representatives stated that, in keeping with the mutual social and economic interests of the Merritt II/May Valley Area citizens, the City supports incorporation of the entire May Valley Annexation Area. Renton officials report that the City is prepared to govern and to provide full services to the greater May Valley Area. Affiliation with the City would enable May Valley Area citizens to participate in governance of the community – including land use planning, service planning, fiscal planning and planning for public amenities to serve the community

King County: Mr. Thomas reported that the County Executive believes that it is in the best interests of all parties for the entire May Valley Annexation Area to immediately join the City of Renton. Immediate annexation of the greater May Valley Area is consistent with State law, the King County Comprehensive Plan, and the City of Renton Comprehensive Plan because each of these plans encourages local governance of communities. Incorporation of May Valley into the City of Renton promotes strong and unified local government. State law supports consolidation – rather than fragmentation -- of communities.

Annexation of the greater May Valley Area is reportedly also consistent with the King County Executive's Annexation Initiative, which supports transition of lands from the County to local jurisdictions at the earliest feasible date. Immediate annexation of the greater May Valley better promotes balanced governance than does incremental incorporation as proposed in the initial Merritt II Annexation.

Annexation of the greater May Valley Area would promote a viable community. Citizens would be able to immediately begin the process of integration into the City of Renton because annexation of the entire May Valley Area would enable citizens to have a voice in the planning of their community. An opportunity would be provided for coordinated development under consistent municipal regulations and for the provision of efficient, economic services. Citizens would benefit from affiliation with the City of Renton because incorporation of the entire May Valley Annexation Area would preserve social cohesion, support economic health, and protect public safety and welfare.

RCW 36.93.150 permits the Boundary Review Board to approve the incorporation of the entire May Valley Annexation Area. This action, similarly, is consistent with the provisions of RCW 36.93 and the State Growth Management Act.

CONSISTENCY WITH THE GROWTH MANAGEMENT ACT

State law provides in RCW 36.93.157 that Boundary Review Board decisions must be consistent with three sections of the Growth Management Act:

- RCW 36.70A.020 Planning Goals
- RCW 36.70A.110 Urban Growth Areas
- RCW 36.70A.210 Countywide Planning Policies

With respect to File No. 2178, the key Growth Management issues involve the Countywide Planning Policies pertaining to land use and municipal services (RCW 36.70A.020 and RCW 36.70A.110). The Growth Management Act policies that guide the provision of public services and that are relevant to the proposed Annexation include:

- ☐ RCW 36.70A.020 (1) Urban Growth: Encourages development in urban areas where adequate public facilities and services exist or can be provided efficiently.
- ☐ RCW 36.70A.020 (2) Reduce Sprawl: Reduce inappropriate conversion of undeveloped land into sprawling low-density development.
- ☐ RCW 36.70A.020 (10) Environment: Protect and enhance the environment, quality of life and water availability.
- ☐ RCW 36.70A.020 (11) Citizen Participation and coordination in the planning process and ensure coordination between communities/jurisdictions to reconcile conflicts.
- ☐ RCW 36.70A.020 (12) Public Facilities and services: Ensures that adequate public services and facilities are available to serve land developments.
- ☐ RCW 36.70A.110 (1/6) calls for each county to designate an urban growth area.
- ☐ RCW 36.70A.110 (3) directs urban growth to areas with existing or available public services and facilities
- ☐ RCW 36.70A.110 (4) states that "(in) general, cities are the units of local government most appropriate to provide urban ...services."
- ☐ RCW 36.70A.210 (1) states that cities are primary providers of governmental services within urban growth areas.

The record for File No. 2178 supports the finding that incorporation of the May Valley Area into the City of Renton would effectively address Growth Management Act criteria for incorporation of urban areas.

Also, RCW 36.70A.210 requires that the county adopt Countywide Planning Policies to address governance of urban areas. These policies are to be developed in cooperation with the cities. This task has been accomplished in King County, where the Countywide Planning Policies were adopted by the County and ratified by the cities. Countywide policies support annexation of urban areas. Similarly, the City of Renton created a Comprehensive Plan that provides for annexation of urban areas.

City of Renton/King County: City of Renton officials and King County representative Michael Thomas report that the record for File No. 2178 indicates that the initially proposed Merritt II Annexation achieves minimal compliance with the provisions of the Growth Management Act because some citizens would benefit from joining the City. New citizens would experience consistent governance, compatible land development, and unified public services. Further, it is likely that citizens of the remaining unincorporated area would eventually come to seek annexation in order to redevelop properties, develop vacant properties, and/or receive services.

Renton officials and King County officials report that the record for File No. 2178 supports the finding that annexation of the greater May Valley Area into the City would be fully consistent with State Growth Management Act provisions (e.g., RCW 36.70A.210.3.b.) establishing cities as the appropriate jurisdiction to govern urban areas. Incorporation of the entire May Valley Annexation Area is necessary to allow the community to accommodate and serve both existing homes and the new residential development that is permitted in May Valley. Annexation under Option B more successfully provides for the protection of the natural environment. Annexation of the greater May Valley Area more effectively establishes the City of Renton as the appropriate jurisdiction to govern this community.

OBJECTIVES

The Boundary Review Board has considered RCW 36.93.180 (Objectives), as follows:

RCW 36.93.180 (1) Preservation of natural neighborhoods and communities:

This Objective addresses preservation of neighborhoods. The record for File No. 2178 confirms that the King County Comprehensive Plan designates the Merritt II/May Valley Area and surrounding municipalities as Urban Areas. The City of Renton Comprehensive Plan anticipates annexation of the Merritt II/May Valley Area in order to guide growth here and to provide coordinated services.

City of Renton: City of Renton officials reported that annexation of the Merritt II Area would constitute the first segment in a planned series of phased annexations of the entire May Valley Area. Annexation under Merritt II would be consistent with the objective of preserving the natural neighborhood – defined by case law as “either geographically distinct areas or socially... distinct groups of residents”.

However, annexation of the entire May Valley Area would provide stronger links within the greater community and would encourage a more effective connection to the City of Renton. This annexation will give all property owners/residents a voice and a vote in planning for the future preservation and development of their community.

More specifically, at annexation, Renton will regulate use and development of the entire May Valley Area consistent with the City’s Comprehensive Plan, Zoning Regulations, and Environmental Regulations. The May Valley Annexation Area will continue to be designated for residential uses. The primary use would be single-family development at low densities (e.g., 1 unit per net acre). Away from the May Creek corridor, the Newcastle Terrace Subdivision (with 22 developed lots and 7 vacant lots) would continue to be permitted to develop residential uses at a density of 4 dwelling units per net acre. These municipal land use designations/zoning designations are similar to the land use and zoning designations established by the County.

King County: King County representatives report that annexation of the entire May Valley would more effectively advance RCW 36.93.180 (Objective 1). This incorporation plan more effectively preserves the community as the entire May Valley Area, at 133 acres, forms a neighborhood. Further, the May Valley Area, in its entirety, exhibits many features that support its link with the City. Both May Valley and the adjacent City lands are residential in character. Demographic profiles are similar. Residents of the City

and the May Valley Area use common community facilities – schools, roadways, libraries, shopping centers, parks, and recreation facilities.

At the time that Renton developed its Comprehensive Plan, the City made a commitment to annex the entire May Valley Annexation Area. The City has already included the May Valley Annexation Area in community planning programs. For example, the Renton Comprehensive Plan establishes the entire May Valley Annexation Area for land uses and development standards which are compatible with the built and natural environments. Environmental protection ordinances are based upon area-wide land elements (e.g., May Creek Drainage Basin). Annexation will give property owners/residents an opportunity to participate in a greater range of community activities and decisions. Citizens incorporating into the City of Renton would develop their properties under uniform standards, benefit from similar amenities, and receive coordinated public services.

The proposed Merritt II Annexation (at 20.59 acres) will result in an unincorporated island of 115-acres, creating a patchwork community, with varying governance standards, differing services, and inconsistent environmental protection standards. Annexation under the Merritt II proposal would fragment the neighborhood.

Mr. Thomas stated that the County supports the annexation of the entire May Valley Annexation Area at this time, because this incorporation would be consistent with state, regional and local guidelines. Further, Renton officials have gone to great effort to plan to effectively govern and serve this area as a part of a unified community. Annexation at this time will benefit the citizens.

RCW 36.93.180 (2) Use of physical boundaries, including but not limited to bodies of water, highways, and land contours:

This Objective addresses physical features as annexation boundaries. The record for File No. 2178 defines both the Merritt II Annexation and the greater May Valley Annexation Area as territory that, based upon its physical boundaries, is appropriate for annexation to Renton. For example, the City of Renton abuts the proposed Merritt II Area on its southern boundary. The City of Renton abuts the May Valley Area on the western, eastern, and southern borders.

“Social neighborhoods” may also constitute boundaries. For File No. 2178 the evidence shows that the City and the entire May Valley Annexation Area share a social affiliation. The communities form a single social neighborhood.

City of Renton: City of Renton representatives stated that the proposed Merritt II Annexation is based upon reasonable boundaries, including rights-of way (e.g., May Valley Highway) and individual property lines. Merritt II, at 20.59 acres, would, thus, begin to meet criterion RCW 36.93.180 (2) for annexation of lands within common physical boundaries.

However, the May Valley Area provides better defined boundaries including several rights-of-way (e.g., May Valley Highway, 136th Avenue NE; Lyons Avenue; 142nd Avenue NE, et al). Further the May Valley Annexation Area is included in the natural geographic area formed by the May Creek Drainage Basin. Annexation of the entire May Valley Area furthers progress toward incorporation of the greater unincorporated area in King County.

King County: Mr. Thomas reported that incorporation of the entire May Valley Annexation Area into Renton is consistent with RCW 36.93.180 (Objective 2) which calls for use of physical boundaries to serve as a basis for incorporation boundaries. The incorporation of the May Valley Area at 133 acres would bring into the City all lands within the May Valley Potential Annexation Area.

This comprehensive annexation would provide for an immediately unified community with established physical and social boundaries. Annexation of the limited Merritt II Area is based upon less discernible physical boundaries creating confusion with respect to community identity and service provision.

RCW 36.93.180 (3) Creation and preservation of logical service areas:

This Objective addresses the provision of logical services areas to serve the properties within a jurisdiction. The record for File No. 2178 indicates that the annexation of Merritt II/May Valley Area into the City of Renton will support the creation and preservation of logical service areas. The City's Comprehensive Plan establishes the City as the provider of services for the entire May Valley Annexation

Area. More specifically, Renton has regulatory authority and responsibility to provide public services to all of its citizens under the King County Comprehensive Plan, the City Comprehensive Plan, other City plans and regulations (e.g., Comprehensive Sewer and Water Plans, Transportation Element of the Comprehensive Plan, Comprehensive Storm Water Management Plan). Further, the Growth Management Act establishes cities as governmental units and service providers.

City of Renton: Renton representatives reported that the Merritt II Annexation begins to support the creation and preservation of logical service areas (RCW 36.93.180 - Objective 3). The greater May Valley Annexation would permit the implementation of logical service programs throughout the May Valley Potential Annexation Area.

Incorporation of the greater May Valley Area would further the achievement of this criterion because this annexation would enable a greater number of citizens to be included in the City of Renton's service area and, thus, to receive consolidated municipal services. For example, the May Valley annexation plan will allow Renton to provide services that will protect the natural environment (e.g., May Creek Basin). These services will also help to protect the built environment (e.g., address septic system failures, provide storm water and surface water management systems).

At annexation, the City of Renton will include the incorporated properties in its Service Area. Then the City would provide (directly or by contract) a full range of services. More specifically, with respect to sewers, Renton representatives testified that the City is prepared to extend sewers to any area within May Valley. The City will convert properties from the existing septic systems to sewer upon request by the property owner. The City may establish Local Improvement Districts, as appropriate, for future services. The City would also provide (directly or by contract) for fire service and police service to the newly incorporated properties. Similarly, the City would provide for public facilities such as roads and storm water management systems. The City is planning for rebuilding of these facilities as necessary to protect public health and safety. Residents would also have access to schools, libraries and recreation facilities.

King County: Annexation of the entire May Valley Potential Annexation Area into Renton is consistent with RCW 36.93.180 (Objective 3) which calls for logical service areas. The incorporation of the entire May Valley Annexation Area provides a logical service area wherein coordinated, consolidated, and efficient services can be provided to all properties in NE Rose Hill.

When Renton developed its Comprehensive Plan, the City made a commitment to annex the entire May Valley Area. Under the Comprehensive Plan and other regulatory authorities, the City also made provisions to immediately govern and serve the entire May Valley Annexation Area. City officials have stated that services (e.g., water, sewer, fire, etc) can be provided to the May Valley Annexation Area either directly by the City of Renton or by interlocal agreements with other service providers.

Mr. Thomas, King County, reiterated that annexation is necessary to address public service requirements. For example, various King County service providers have expressed concerns about the ability to provide coordinated, economic services that are timely and efficient based upon the limited resources available to serve the existing unincorporated island area.

More specifically, there are concerns related to public health and welfare based upon the fact that the area is currently served by septic systems. Some of the septic systems are fragile. Renton provides sewers only to properties within City limits. The City has made a commitment to sewer all properties that are annexed to Renton.

Mr. Thomas stated that annexation of the entire May Valley Annexation Area is a more balanced action from a financial perspective as well. More specifically, King County will realize a benefit because, while the County will not receive revenue from the May Valley Annexation Area, the County will also not incur costs for providing service to the area.

While the tax base is uniform throughout King County, there are variations among communities in revenue collection and costs for service. King County has not calculated the specific revenue/cost balance for the May Valley Area, but revenue/cost studies conducted for the greater County have indicated that the cost of serving local urban residential communities exceed revenues obtained from residential properties. Service requirements must be correlated to community needs – e.g., development

levels, development design, demographic characteristics. King County must rely on multiple service providers; where multiple providers are required to serve an area, there are greater costs for service.

Annexation of the Merritt II Area (20.59-acres) is inconsistent with Objective 3 as this limited annexation further complicates an already complex service system. More specifically, the Merritt II Annexation will result in ineffective service provision because various County providers and local providers will be required to serve areas that are not clearly delineated. Service availability will be more fragmented. Services will be less effective, less efficient, and more costly. More specifically, if the City of Renton annexes only 20.59 acres then King County will receive less funding but will retain responsibility for serving the remaining 115-acre May Valley Area.

Annexation of the entire May Valley will promote logical, streamlined, economic service provision.

RCW 36.93.180 (4) Prevention of abnormally irregular boundaries:

This Objective addresses the prevention of abnormally regular boundaries in the establishment of annexation areas.

The record for File No. 2178 provides two points of view concerning the achievement of Objective 4 under the proposed Merritt II Annexation. There are statements in the record reporting that the proposed Merritt II Annexation achieves this criterion because the area planned for incorporation follows property lines and that all properties are located within the boundaries of the greater May Valley Annexation Area.

There are also statements in the record reporting that the proposed Merritt II fails to achieve this criterion because the specific boundaries result in a “T” shape which does not constitute a reasonably normal, regular boundary.

The record for File No. 2178 reports that incorporation of the greater May Valley Area (133 acres) would provide a regular boundary based upon the incorporation of the entire Potential Annexation Area.

City of Renton: City representatives stated that the Merritt II Annexation does provide for reasonably regular boundaries based upon rights-of-way and property lines which define the proposed action. Merritt II would constitute progress toward correcting existing irregular municipal boundaries. However, with Merritt II, portions of the intended May Valley Potential Annexation Area remain under the jurisdiction of King County rather than under the intended jurisdiction of the City of Renton.

City representatives stated that annexation of the greater May Valley Area provides for more reasonable, regular boundaries by incorporation of the entire Potential Annexation Area and, therefore, better achieves Objective 4.

King County: Mr. Thomas stated that annexation of the entire May Valley Area into Renton is desirable to achieve the reasonable boundaries necessary. The greater annexation area would facilitate coordinated land uses and offer a more effective, efficient solution to provision of services.

Merritt II, as initially proposed, would create a more discontinuous than regular boundary. This boundary would not promote effective governance.

RCW 36.93.180 (5) Discouragement of multiple incorporations:

RCW 36.93.180 (5) is not applicable to File No. 2178.

RCW 36.93.180 (6) Dissolution of inactive special purpose districts:

RCW 36.93.180 (6) is not applicable to File No. 2178.

RCW 36.93.180 (7) Adjustment of impractical boundaries:

This Objective addresses the adjustment of impractical boundaries. The record for File No. 2178 indicates that the City of Renton's Comprehensive Plan establishes the City as the authority for local governance (e.g., regulation of land uses and the provider of all public services and facilities) for the May Valley Annexation Area.

Incorporation would create more practical boundaries with respect to establishment of uniform land uses and development standards. Annexation would create more practical boundaries for service as well, as that incorporation would place the natural environment and built environment under City jurisdiction.

City of Renton: Renton representatives reported that incorporation of the Merritt II Area would be consistent with Objective 7. This action would achieve progress toward adjustment of impractical boundaries because a portion of the area that Renton's Comprehensive Plan designates for incorporation would be integrated into the City.

City officials stated, however, that annexation of the greater May Valley Area would create more practical boundaries for governance and service in this community. The City is willing and able to annex and serve the greater May Valley Area.

King County: Mr. Thomas stated that the initially proposed Merritt II Annexation area does not create a practical boundary. Rather, annexation of this limited area fragments community borders and thus splinters community identity. Further, the proposed boundaries will complicate the provision of public facilities and public services. For example, the proposed boundary will create confusion for emergency service providers.

In comparison, Mr. Thomas stated annexation of the entire May Valley Potential Annexation Area into Renton is consistent with the standard for the creation of practical boundaries. Of special interest to the County is the desirability of achieving annexation of smaller isolated areas, such as May Valley, because annexation provides residents with local governance and needed public services/facilities. The greater May Valley annexation creates a practical boundary, which will enable coordinated development and streamline the provision of public facilities and services.

RCW 36.93.180 (8) Incorporation as cities or towns or annexation to cities or towns of unincorporated areas which are urban in character:

This Objective addresses the annexation of unincorporated urban areas to existing cities to provide for local governance. The record for File No. 2178 indicates that Merritt II and the greater May Valley Area are located within the Urban Growth Area established by the King County Comprehensive Plan. The definition of the May Valley Area as "urban" is supported by the State Growth Management Act. The City of Renton has an adopted Comprehensive Plan which designates the entire May Valley Area as a Potential Annexation Area.

City of Renton: Renton representatives stated that the initially proposed Merritt II Annexation would be consistent with this Objective because a portion of the urban area would be incorporated into the City. However, City officials would also support immediate annexation of the entire May Valley Area in order to fully implement its Comprehensive Plan goals for the May Valley Potential Annexation Area. The greater May Valley Area annexation would also serve to address King County interests by transferring urban unincorporated land from regional jurisdiction to local jurisdiction.

King County: Mr. Thomas reported that the entire May Valley Area is within King County's Urban Growth Area boundaries. Incorporation of the greater May Valley Area into Renton is more consistent than the more limited Merritt II Annexation with the goal for achievement of incorporation of urban areas. Annexation of the Merritt II Area does not materially reduce the unincorporated area. This limited action does not achieve incorporation of all designated urban lands.

Annexation of the May Valley Area would bring the entire area into the jurisdiction of the City of Renton. The action would promote uniform development and services appropriate for this urban territory in its entirety and would preserve the specific existing environmentally sensitive areas (e.g., the May Creek Basin, urban separators and greenbelt.)

RCW 36.93.180 (9) Protection of agricultural and rural lands which are designated for long term productive agricultural and resource use by a comprehensive plan adopted by the county legislative authority:

RCW 36.93.180 (9) is not applicable to File No. 2178 as the Merritt II/May Valley Area does not include or concern any agricultural lands. This entire May Valley Potential Annexation Area is within the Urban Growth Area as established by King County and approved by the State of Washington.

CITIZEN TESTIMONY

Six citizens provided testimony concerning the proposed Merritt II Annexation and the proposal for expansion to include the entire May Valley Annexation Area. The majority of speakers stated support for annexation of the entire May Valley Area. Other speakers reported support, in principle, for the May Valley Area Annexation but would prefer to delay incorporation to permit additional community review of each annexation proposal to ensure that future governance and service plans would be consistent with the interests of each of the communities in the May Valley Area.

Speakers stated that annexation of the entire May Valley Area will likely occur based upon the provisions of the County Comprehensive Plan and the City Comprehensive Plan. However, some speakers noted that each plan calls for orderly growth and phasing of annexation based upon citizen interest. There was testimony that annexation of the Merritt II Area would be consistent with each Comprehensive Plan but that annexation of the entire May Valley Area may be premature as citizen participation in annexation planning has been limited in the greater May Valley Area. It was stated that public opinion should dictate annexation boundaries and timelines.

Community members supporting the May Valley Annexation reported that this action is consistent with the intent of comprehensive planning for land annexations. Those speakers testified as to their preference for joining Renton in order to participate in local governance, land use planning and service planning efforts for the May Valley Annexation Area. More specifically, citizens favoring annexation stated that affiliation with the City of Renton would provide certainty with respect to the future development of their community and with respect to protection of the existing natural environment (e.g., open spaces, water bodies.)

Citizen support for annexation is, however, reported to be conditional at the present time. Citizens expressed concerns that the City of Renton does not yet have adopted standards for development and for protection of the built environment and natural environment within May Valley. The citizens seek formal action from the Boundary Review Board requiring that, prior to effecting annexation, the City of Renton ensure the adoption of regulations which are equivalent to (or exceed) King County regulations for land use controls for residential development (e.g., density levels, development standards) and for public facilities/services for the May Valley Area.

Similarly, there was testimony that the City of Renton must ensure the adoption of standards for the protection of environmentally sensitive areas (e.g., water bodies, greenbelt, urban separators). Standards are reportedly required to preserve the integrity of May Creek and the surrounding May Valley Area. With such local standards in place, citizens believe that annexation would permit appropriate residential development as well as enhancement of urban separator, greenbelt, and other sensitive areas. More specifically, there was testimony that, with annexation based upon appropriate local regulations:

- The May Valley Area would be better defined as a social and physical community which would enable citizens to participate effectively in, and realize benefits from, local governance.
- Land uses (and development standards) would be consistent throughout May Valley.
- Coordinated (more reliable and less costly) services would be available in the entire May Valley Area.
- May Valley would realize improvements to public health and safety. For example, those persons who wish to develop or redevelop land are seeking to annex because septic system limits made it impossible to repair, remodel or build additions to existing homes. Frequently, new development is limited or prohibited on vacant, otherwise usable land. The availability of sewer systems would also serve to protect the natural environment.
- The May Valley community would benefit from overall improvement in the quality of life.

BOUNDARY REVIEW BOARD FINDINGS AND DECISIONS

The Boundary Review Board conducted a review of the proposed City of Renton NE Rose Hill Annexation (File No. 2178) based upon the record of written documents and oral testimony. The Board's deliberations were directed to the state, regional and local regulations relevant to the proposed action. The Board focused upon RCW 36.93 (Boundary Review Board Enabling Act); RCW 36.70A (Growth Management Act); King County Comprehensive Plan/Countywide Policies; City of Renton Comprehensive Plans, RCW 35.13 (Annexation of Cities); and other relevant regulations and guidelines. The role of the Boundary Review is to implement these existing laws; the Board does not have the authority to make law or policy.

The Boundary Review Board reviewed File No. 2178 with respect to its legal authorities, in order to consider the following options for annexation:

- The Merritt II Annexation could be accepted as proposed and supported by the City of Renton, if this incorporation achieves the basic requirements of RCW 36.93 and other applicable regulations (e.g., the State Growth Management Act, the King County Comprehensive Plan and the Renton Comprehensive Plan). This action would recognize the interests of citizens who seek annexation to the City of Renton and the interests of those citizens who prefer to remain under the jurisdiction of King County.
- The Merritt II Annexation could be modified as proposed by King County to incorporate the May Valley Annexation Area (up to 133 acres), if the May Valley Annexation achieves the basic requirements of RCW 36.93 and other applicable regulations (e.g., the State Growth Management Act, the King County Comprehensive Plan, and the Renton Comprehensive Plan). Such a modification can be accomplished pursuant to RCW 36.93.150, which establishes the standard by which the Board may revise annexation boundaries to cities. This alternative would require all properties within the May Valley Annexation Area to immediately be incorporated into and placed under the jurisdiction of the City of Renton.
- The Merritt II/May Valley Annexation could be denied in its entirety if it is determined that these alternatives are inconsistent with RCW 36.93 and other applicable regulations

In conducting a review of the File No. 2178 record, the Boundary Review Board finds that the materials submitted pursuant to the City of Renton application and the materials submitted pursuant to the position of the opponents are extensive and detailed in their content. The parties have provided considerable bodies of material supporting their positions. The Board has deliberated upon the complete record in order to come to a decision for the proposed Merritt II Annexation and the proposed alternative May Valley Area Annexation. A summary of the Board's deliberations is provided below.

Speaking with respect to the initially proposed Merritt II Board members offered the following comments:

- The Board finds that the proposed Merritt II (20.59 acres) is based upon petition of the citizens of the area. This action is consistent with the provisions of RCW 35.13.
 - The Board must determine whether the proposed Merritt II Annexation meets the provisions of the Growth Management Act (RCW 36.70A), the Boundary Review Board Act (RCW 36.93), the King County Comprehensive Plan, and the City of Renton Comprehensive Plan.

RCW 36.70A, the King County Comprehensive Plan, and the Renton Comprehensive Plan each call for logical, orderly growth of communities. County and the City planning documents, which are approved by the State of Washington, establish Renton as the local jurisdiction slated to govern the entire NE Rose Hill Area. As such, annexation of Merritt II (an incremental portion of the greater May Valley Potential Annexation Area) is not consistent with the plan for logical, orderly growth.

Merritt II also fails to fully achieve other provisions of these regulatory authorities (e.g., planning goals and policies establishing cities as the units of local government; planning goals and policies calling for cities to be primary providers of urban governmental services within urban growth areas).

- The Board must determine whether the Merritt II Annexation meets the requirements established by RCW 36.93. RCW 36.93.180 defines the objectives to be achieved with an annexation. The Board determined that the proposed Merritt II Annexation addresses the objectives as follows:

RCW 36.93.180	MERRITT II ANNEXATION
OBJECTIVE 1 – PRESERVATION OF NATURAL NEIGHBORHOODS AND COMMUNITIES	ANNEXATION EXCLUDES PROPERTIES THAT ARE A PART OF THE NATURAL NEIGHBORHOOD AND COMMUNITY
OBJECTIVE 2 – USE OF PHYSICAL BOUNDARIES, ... BODIES OF WATER, HIGHWAYS, AND LAND CONTOURS	ANNEXATION IS BASED UPON PHYSICAL BOUNDARIES THAT MAY BE DIFFICULT TO LOCATE (E.G., PROPERTY LINES)
OBJECTIVE 3 – CREATION AND PRESERVATION OF LOGICAL SERVICE AREAS	ANNEXATION EXCLUDES PROPERTIES THAT ARE A PART OF THE LOGICAL SERVICE AREA. FRAGMENTATION OF THE AREA HINDERS SERVICES.
OBJECTIVE 4 – PREVENTION OF ABNORMALLY IRREGULAR BOUNDARIES	ANNEXATION CREATES (RATHER THAN PREVENTS) IRREGULAR BOUNDARY LINES. BOUNDARIES FRAGMENT AND MAY HINDER SERVICE
OBJECTIVE 5 – DISCOURAGEMENT OF MULTIPLE INCORPORATIONS	DOES NOT APPLY
OBJECTIVE 6 – DISSOLUTION OF INACTIVE SPECIAL PURPOSE DISTRICTS	DOES NOT APPLY
OBJECTIVE 7 – ADJUSTMENT OF IMPRACTICAL BOUNDARIES	ANNEXATION CREATES (RATHER THAN ADJUSTS) IMPRACTICAL BOUNDARIES WHICH ARE INEFFICIENT AND MORE COSTLY TO SERVE
OBJECTIVE 8 – INCORPORATION ... OR ANNEXATION TO CITIES OF UNINCORPORATED AREAS WHICH ARE URBAN IN CHARACTER	ACTION BEGINS INCORPORATION PROCESS BUT FAILS TO INCLUDE CONTIGUOUS PROPERTIES WHICH ARE URBAN IN CHARACTER.
OBJECTIVE 9 – PROTECTION OF AGRICULTURAL AND RURAL LANDS ...	DOES NOT APPLY

In the matter of File No. 2178, the Board finds that the proposed action (Merritt II Annexation) does not fully achieve the preponderance of standards as established in the Growth Management Act, King County Comprehensive Plan, the City of Renton Comprehensive Plan, RCW 36.93, and other state and local guidelines for incorporation of urban areas.

Speaking with respect to the proposed modification of the proposed annexation to include the greater May Valley Potential Annexation Area (133 acres), Board members offered the following comments:

- The Board must determine whether the May Valley Annexation (133 acres) meets the provisions of the Growth Management Act (RCW 36.70A), the Boundary Review Board Act (RCW 36.93), the King County Comprehensive Plan, and the City of Renton Comprehensive Plan.
- The Growth Management Act, the King County Comprehensive Plan and the Renton Comprehensive Plan each establish Renton as the local jurisdiction slated to govern the May Valley Area. As such, incorporation of the entire May Valley Hill Annexation Area (133 acres) will promote logical and orderly growth as envisioned in the Growth Management Act. The greater May Valley Annexation is, similarly, consistent with King County and City of Renton guidelines. Annexation of the greater May Valley will provide for coordinated governance and service under the uniform jurisdiction of the City.

- The Board must determine whether the May Valley Area Annexation would achieve the requirements established by RCW 36.93. RCW 36.93.180 defines the objectives to be achieved with an annexation. The NE Rose Hill Annexation (184 acres) addresses the objectives as follows:

RCW 36.93.180	MAY VALLEY AREA ANNEXATION (133 ACRES)
OBJECTIVE 1 – PRESERVATION OF NATURAL NEIGHBORHOODS AND COMMUNITIES	ADVANCES BASIC CRITERION AS ANNEXATION INCLUDES ALL PROPERTIES THAT ARE INCLUDED IN A NATURAL COMMUNITY
OBJECTIVE 2 – USE OF PHYSICAL BOUNDARIES, INCLUDING BUT NOT LIMITED TO BODIES OF WATER, HIGHWAYS, AND LAND CONTOURS	ADVANCES BASIC CRITERION AS IT COINCIDES WITH ESTABLISHED COMPREHENSIVE PAA BOUNDARIES
OBJECTIVE 3 – CREATION AND PRESERVATION OF LOGICAL SERVICE AREAS	ADVANCES BASIC CRITERION AS RENTON CAN CONTINUE/BEGIN SERVICE TO ENTIRE AREA IN A WAY THAT ADDRESSES PUBLIC WELFARE. COUNTY WOULD CEASE TO HAVE RESPONSIBILITY FOR SERVICE.
OBJECTIVE 4 – PREVENTION OF ABNORMALLY IRREGULAR BOUNDARIES	ADVANCES CRITERION AS REGULAR BOUNDARY LINES SUPPORT A UNIFIED COMMUNITY AND STREAMLINE SERVICE PROVISION
OBJECTIVE 5 – DISCOURAGEMENT OF MULTIPLE INCORPORATIONS	DOES NOT APPLY
OBJECTIVE 6 – DISSOLUTION OF INACTIVE SPECIAL PURPOSE DISTRICTS	DOES NOT APPLY
OBJECTIVE 7 – ADJUSTMENT OF IMPRACTICAL BOUNDARIES	ANNEXATION CREATES (RATHER THAN ADJUSTS) IMPRACTICAL BOUNDARIES. ACTION RESULTS IN LESS COORDINATED SERVICE AREAS WHICH ARE INEFFICIENT AND MORE COSTLY TO SERVE
OBJECTIVE 8 – INCORPORATION AS CITIES OR TOWNS OR ANNEXATION TO CITIES OR TOWNS OF UNINCORPORATED AREAS WHICH ARE URBAN IN CHARACTER	ADVANCES CRITERION AS THE ENTIRE URBAN AREA IS INCORPORATED INTO A LOCAL JURISDICTION.
OBJECTIVE 9 – PROTECTION OF AGRICULTURAL AND RURAL LANDS ...	DOES NOT APPLY

- King County is not the proper jurisdiction to govern and serve May Valley. King County is mandated to provide for regional governance rather than for local governance. Further, King County officials report that the County is encountering challenges which hinder the provision of effective governance and reliable services as required for the preservation and enhancement of public health and welfare.
- The City of Renton is the proper jurisdiction to immediately govern and serve the May Valley Annexation Area. More specifically:

- Annexation of the entire May Valley Area will provide for a community that is unified under a single set of governance standards to guide land uses.

May Valley is established as an urban area under state law. The City of Renton is presently establishing coordinated planning and regulations for land use and land development to ensure that the unity of this residential community is maintained, that regulatory protection is provided for environmentally sensitive areas, and that the quality of life is preserved for the citizens of May Valley. Under the jurisdiction of Renton, citizens can continue to work together with City officials to ensure permitted residential uses and public amenities to address the local built community and ambient natural environment.

- Annexation of the entire May Valley Area will provide for a community that is unified under a single set of governance standards for public services and public facilities.

Renton representatives testified that the City can provide May Valley citizens with fire, service, water service, sewers, roads, storm water systems, schools, libraries, parks, and recreational facilities. May Valley citizens would benefit from reliable, orderly, efficient, economic services.

- Regulatory authorities and guidelines do not establish a specific timeline for incorporation of communities into local jurisdictions. However, laws and guidelines do call for logical, orderly growth of communities under the aegis of local jurisdictions. For example, RCW 36.93.150 permits the Board to modify an annexation to increase the number of properties to be incorporated into a city to achieve logical, orderly growth. More specifically, modification of boundaries is permitted to address governance and service issues that are identified for the May Valley Potential Annexation Area.

In the matter of File No. 2178, the Board finds by a unanimous vote that the Merritt II Annexation, as modified to include the entire May Valley Annexation Area (133 acres), would advance the preponderance of standards established in the Growth Management Act, King County Comprehensive Plan, the City of Renton Comprehensive Plan, RCW 36.93, and other state and local guidelines for incorporation of urban areas.

CONCLUSIONS:

In the matter of File No. 2178, the Washington State Boundary Review Board finds, by a unanimous vote, that the application of the City of Renton to annex the Merritt II Area demonstrates that the proposal with modifications, described herein as the May Valley Annexation (approximately 133 acres), is consistent with and advances: (1) pertinent objectives specified in RCW 36.93.180; (2) pertinent factors specified in RCW 36.93.170; (3) pertinent regulations specified in RCW 35.13; (4) pertinent standards specified in RCW 36.70A - Growth Management Act; (5) pertinent standards specified in the King County Comprehensive Plan/Countywide Policies; (6) pertinent standards specified in the City of Renton Comprehensive Plan; and (7) other pertinent state and local regulations. The approval with modifications of the application of the City of Renton to annex the May Valley Area (133 acres) is permitted by RCW 36.93.150.

The approval with modifications to the application of the City of Renton to annex the May Valley Area (133 acres) is timely based upon the City of Renton's current and historical commitment to guide development and provide municipal services to this area. Annexation will enable the City of Renton to provide for the governance, protection, and service that addresses the health, welfare and safety of its citizens.

(Note: Under state law, the City of Renton must adopt an Ordinance or Resolution affirming the May Valley Annexation following action by the Boundary Review Board. Under state law, the City must confirm the action as approved by the Boundary Review Board. Alternatively, the Council may decide not to pursue the action. However, the City cannot modify the boundaries that have been approved by the Boundary Review Board.)

NOW, THEREFORE,

BE IT RESOLVED BY THE WASHINGTON STATE BOUNDARY REVIEW BOARD FOR KING COUNTY THAT, for the above reasons, the action proposed in the Notice of Intention contained in said **File No. 2178** be, and the same is, hereby **approved with modifications** as described in Exhibits attached hereto and incorporated herein by reference.

ADOPTED BY SAID WASHINGTON STATE BOUNDARY REVIEW BOARD FOR KING COUNTY by a vote of _____ in favor , _____ in opposition, and _____ abstentions, on this 27 day of September, 2004, and signed by me in authentication of its said adoption on said date.

WASHINGTON STATE BOUNDARY REVIEW BOARD FOR KING COUNTY

James Denton, Chair

FILED this _____ day of _____, 2005 **BY:**

Lenora Blauman, Executive Secretary

EXHIBITS

- EXHIBIT I CITY OF RENTON MERRITT II/MAY VALLEY: LEGAL DESCRIPTION OF MODIFIED ANNEXATION AREA BOUNDARIES**
- EXHIBIT II CITY OF RENTON MERRITT II/MAY VALLEY: MAP OF MODIFIED ANNEXATION AREA BOUNDARIES**

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